

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Acequia de Karl Bode

ORDER ON PRIORITY DATE OF WATER RIGHTS
UNDER ACEQUIA DE KARL BODE

THIS MATTER is before the Court following the April 4, 2011, *Motion for Order on Priority Date of Water Rights Under Acequia de Karl Bode* in Section 1 of the Rio Chama Stream System (Chama Mainstream) (Doc. No. 10,019).

The Court finds:

1. Pursuant to the *Amended Order on the Adjudication of Water right Priorities* (Doc. 3497, filed July 8, 1994), all known and unknown claimants of water rights under the Acequia de Karl Bode were served with a Notice and Order to Show Cause setting forth a priority date of 1734 for their water rights under this acequia. *See Certificate of Service* filed October 20, 1994 (Doc. No. 3526.A); *New Mexico's Certificate of Publication for Priority Date Notices and Orders to Show Cause* filed November 29, 1995 (Doc. No. 4413). The commissioners of the Acequia de Karl Bode (a community ditch) were served with a Notice and Order to Show Cause setting forth a priority date of 1734 for the water rights under this acequia. *See Certificate of Service* filed December 12, 1994 (Doc. No. 3979.33).

3. No objections to the proposed priority date of 1734 for water rights under the Acequia de Karl Bode were filed by either individual water users or the Acequia de Karl Bode.

4. There is no just reason for a delay for the entry of a final judgment as to the priority date of the water rights for lands irrigated by the Acequia de Karl Bode.

IT IS ORDERED, THEREFORE, that 1734 is the priority date of the water rights under the Acequia de Karl Bode.

IT IS FURTHER ORDERED, that the priority dates in all subfile orders heretofore entered in the Chama Mainstream Section that describe irrigation water rights under the Acequia de Karl Bode are revised and amended as follows:

Priority: 1734

The individual subfiles in the Chama Mainstream Section affected by the above provision of this Order are listed in Appendix 1 attached hereto.

IT IS FURTHER ORDERED, that the Court enters this Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

/s/
SPECIAL MASTER VICKIE L. GABIN